

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

In re:

Case No. 17-10163
Chapter 13

Billy Franklin Hoffman, Jr.,

Debtor.

Duke Energy Progress, LLC

Plaintiff,

Adversary Case No. 17-01009

v.

Billy Franklin Hoffman, Jr,

Defendant.

MOTION FOR ORDER OF DEFAULT JUDGMENT

Plaintiff hereby moves for entry of a default judgment against the Defendant and for the relief requested by Plaintiff as set forth in the attached proposed Order. This motion is made pursuant to Fed. R. Civ. P. 55(b)(1), as made applicable by Fed. R. Bank. P. 7055.

An Entry of Default was entered against Defendant on October 11, 2017. (Doc. 8). As set forth in the proposed Order, Plaintiff is entitled to judgment against Defendant in the amount of \$27,781.89 based on illegally obtained utility services. Further, Plaintiff is entitled to an order finding that the debt arising from the unpaid utility services and represented by the judgment is a non-dischargeable debt of Defendant to Plaintiff pursuant to 11 U.S.C. § 1328(a)(3)-(4), and therefore will be deemed excepted from any discharge of debts issued to Defendant.

HAYNSWORTH SINKLER BOYD, P.A.

By: s/ Charles M. Sprinkle

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